**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 688 OF 2006.**

O.P.Sharma and others. ... Petitioners.
V/s.

The Municipal Corporation of
Greater Bombay and another. ... Respondents.

P.A.Saratkar with Tushar Bhavsar i/b.
Shukla & Shukla for the petitioners.

A.J.Bhor for respondent No.1.

Ms.Rekha Shukla for respondent No.2.

**CORAM: V.C.DAGA, J.**

**DATED: 16th March 2006.**

**P.C.:**

. Heard learned counsel for the petitioners.

. No case is made out to interfere with the impugned order at this stage.

. However, it is made clear that in view of the law laid down by this Court in the case of **Shah Babulal Khimji v. Jayaben D. Kenia**, AIR 1981 SC 1786 (para-107, 109), it would be open for the petitioners to challenge the impugned order if, ultimately, they suffer adverse order and are required to challenge the same before higher forum. In that event, this order of dismissal shall not come in their way. All rival contentions are kept open.

. With this clarification, petition is dismissed with no order as to costs.

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